

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

January 7, 1980

To: John Fisher, Criminal Investigations Unit  
Environmental Enforcement Division

From: Gregory Eagle, Conservation Officer  
Law Division

G. C. E.

Subject: Smith-Henderson Rds. Illegal Industrial Waste  
Dump, Sec. 22, Rush Twp., Shiawassee Co.

To supplement C.O. Lynne Ward's investigation of the industrial waste dump at 5650 N. Smith Road in Shiawassee County, I attempted to locate additional information on which to base further enforcement strategy in this case.

On December 28, 1979 I copied all of the water well logs in Geological Survey Division's files for Section 22 and the surrounding eight sections in an attempt to locate a log for the Donald Barta water well and to make a general determination of soil conditions. Most of the wells are at least 100' deep and the upper most soil conditions vary from gravel to gravelly clay. No record of the Barta well could be located. It would appear from the logs that as drilling proceeds deeper the chance of encountering shale and sandstone is likely. Most of the wells were screened in the sandstone.

Also, on December 28, I copied the 1977 and 1978 annual report submitted pursuant to Section 6b of Act 245, P.A. of 1929 as amended. In their 1978 annual report the company, MWA Co. - Midwest Abrasive Unit, reported the use of phenolic compounds, styrene, and lead. It reported that the phenolic compounds and styrenes may be contained in a wastewater treatment or production process residual, and reported that their production process residuals are removed in metal and fiber drums by Liquid Disposal Inc. (64,000 lbs/yr). In their 1977 annual report the company reported that it did not use or discharge any critical materials, yet it reported that Commercial Pumping and Incineration removed 64,000 lbs/yr of process residuals from the plant in fiber drums.

EPA Region 5 Records Ctr.



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Smith-Henderson Illegal Dump  
Rush Twp.-Shiawassee Co.  
(cont.)

On January 3, 1980 I contacted the Shiawassee Co. Equalization Office in order to obtain the legal property description of the dump site and to determine who pays the taxes. See the attached copy of the computer print-out of this information. Donald Barta paid the 1978 taxes. If any information is desired for the 1979 taxes the following contact should be made:

Betty Crim  
Rush Twp. Treasurer  
205 E. Main St.  
Henderson  
TX 517-725-5237

I also contacted the Shiawassee Co. Clerk who reported that they have no record in their assumed name log of the MWA Co., Midwest Abrasives Co., or Midwest Abrasives Division - MWA Co. The clerk directed me to the Dept. of Commerce for corporate information.

On January 4, 1980 I contacted the Department of Commerce - Corporations and Securities Office in Lansing. The office had no record of Midwest Abrasive Co.; however, it did have the annual corporate report filed by MWA Co. which reports that Midwest Abrasives Company of Canada, LTD. is a subsidiary corporation. The MWA Co., a Delaware corporation incorporated on February 1, 1936 and admitted to do business in Michigan on February 14, 1936, reports no parent corporation. The MWA Co.'s resident agent is The Corporation Company in Detroit. Although reporting no parent corporation, two of the Directors of the MWA Co. serve as Directors of the Mitchell Corporation of Owosso (formerly Mitchell-Bently Corp.), and two of the MWA Co. directors and one officer serve as officers of the Mitchell Corporation of Owosso. The MWA Co. reported on June 30, 1978 that its annual assets totalled \$12,405,366.00 and the Mitchell Corporation of Owosso reported on July 31, 1978 that its annual assets totalled \$19,782,565.00.

I also back tracked the ownership of the property

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Smith-Henderson Illegal Dump  
Rush Twp.-Shiawassee Co.  
(cont.)

on which the drums were deposited (N1/2, SW1/4, NW1/4 of  
Section 22, Rush Twp., Shiawassee Co.):

8/23/71 Robert Bohac & Wf. - Grantee  
Harold G. Phillip et al - Grantor  
Attorney: DesJardins  
Liber: 415  
Page: 341

12/22/75 Kent E. Aurand & Wf. - Grantee  
Robert Bohac & Wf. - Grantor  
Attorney: Benson  
Liber: 452  
Page: 38

Note: Deed documents the transfer of  
the property pursuant to the  
compliance of the terms of a  
land contract drawn between the  
two parties on 8/31/71.

4/19/77 Donald V. Barta & Wf. - Grantee  
Kent E. Aurand & Wf. - Grantor  
Attorney: Benson  
Liber: 462  
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This information was obtained from the Index to Deeds  
at the Shiawassee County Register of Deeds office.

On January 5, 1980 I spoke with Lynne Ward's VCO, Cloyce  
Lundy, who used to work for Midwest Abrasives Co. He  
believes that various formulations of the resins were  
obtained from the following companies:

Richold  
Bakelite  
Urac

I'm not sure if the spellings are correct.

cc: L. Ward  
C. Adams  
L. Vahovich/D. Dennis

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Subject: Smith-Henderson Rds. Illegal Industrial  
Waste Dump, Sec. 22, Rush Twp., Shiawassee  
Co./Legal Site Description

The following property description was obtained from the Shiawassee County Equalization Office in Corunna, Michigan. As of April 23, 1979, Donald and Elaine Barta of 5650 N. Smith Rd., Henderson were the owners of the following parcel:

Sec. 22, T8N, R2E. Part of the NW 1/4 beginning 1300 feet south of the northwest corner of the section, thence east 80 rods, south 600 feet, west 80 rods, and north 600 feet to the beginning. (18 acres)

Real property evaluation as assessed: \$4,800.00